

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JANE DOE,
*on behalf of herself and all other employees
similarly situated,*

Plaintiffs,

v.

JP MORGAN CHASE & CO. and THE CHASE
MANHATTAN BANK,

Defendants.

**ORDER
APPOINTING A
SPECIAL MASTER**

06-CV-6237

On October 16, 2007, **Steven V. Modica, Esq.** filed an affidavit pursuant to Federal Rule of Civil Procedure ("Rule") 53(b)(3) to this Court. Pursuant to Rule 53, this Court appoints **Steven V. Modica, Esq.** as Special Master in the above-referenced action.

The Special Master shall preside over all aspects of the Collective Action under 29 U.S.C. §216 and settlement approval process including a final recommendation to this Court as to whether this Collective Action settlement should be finally approved. The duties assigned to the Special Master include, but are not limited to, the following: supervising and administering the provision of notices to affected Collective Action members; supervising settlement administration and determining claims amounts, awards of plaintiffs' attorneys' fees, costs and expenses; hearing any objections; making a recommendation regarding final approval of the settlement to the District Court, and any other

such duties as necessary or agreed to by the parties.

Pursuant to Rule 53(b), the Court orders as follows:

- a. In carrying out his duties, the Special Master is to consider the pleadings and all discovery in this matter; shall supervise settlement administration; shall determine the award of reasonable Collective Action Counsel's attorneys' fees, costs and expenses and shall award reasonable Collective Action representative compensation; shall hear any objections and decide any challenges to the threshold amounts allocated to any of the claimants; and shall make a recommendation to the Court on the approval of the final Settlement Agreement; and any other disputed submissions, whether in writing or verbally, that are provided to him by the parties' counsel. The Court does not impose any limitations on the Special Master's authority as set forth in Rule 53(c).
- b. The Special Master need not retain any other documents once his recommendations are filed with the Court.
- c. The Special Master may communicate ex parte with counsel, or with any Party, and this Court.
- d. The Special Master shall file with this Court his findings and recommendation as to settlement by a date set forth in a forthcoming Scheduling Order.
- e. Pursuant to Rules 53(a)(1)(A) and 53(g)(3)(B), the findings of fact of the Special Master are final and are

not subject to review.

WHEREAS, by Order of this Court appointing Steven V. Modica, Esq. as Special Master pursuant to Federal Rule of Civil Procedure ("Rule") 53(b)(3) in the above-referenced action,

NOW, this Court Orders that the Special Master fee is set at \$250 an hour and shall be paid by defendants, JP Morgan Chase & Co. and The Chase Manhattan Bank.

ALL OF THE ABOVE IS SO ORDERED.

Dated: October 19, 2007

S/Michael A. Telesca
Honorable Michael Telesca
United States District Judge